THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22427 OF 2005

18.10.2005

Between:

Jagannadham Indrani, W/o.Haribabu, Mangalagiri Town,

Guntur District.

… Petitioner

AND

1. The District Municipal Election Authority-cum-Commissioner,

Mangalagiri Municipality, Guntur District

And others

… Respondents

ORDER:

The petitioner seeks a writ of certiorari by calling records pertaining to I.A.No.2343 of 2005 in O.P.No.248 of 2005 on the file of the Election Tribunal (Municipalities)-cum-the Court of District Judge, Guntur and for a consequential direction to the second respondent, namely, Election Officer-cum-Commissioner, Mangalagiri Municipality not to continue the third respondent as Councillor of Mangalagiri Municipality.

In the recently held Municipal elections on 24.09.2005, the petitioner and respondents 3 and 4 contested for ward No.3. The third respondent was elected. Challenging the said election, the petitioner filed O.P.No.248 of 2005 on the file of the Election Tribunal, Guntur. Along with the same, he filed I.A.No.2343 of 2005 seeking interim direction restraining the Municipal Commissioner from administering oath to the third respondent as Councillor of ward No.3. The learned Tribunal on 29.09.2005 ordered notice and posted the case to 17.10.2005. Aggrieved by the same, the present writ petition is filed.

A number of grounds are urged in support of the writ petition. The learned Tribunal has not so far passed any orders in I.A.No.2343 of 2005 and only ordered notice. When the lower Court or lower Tribunal orders notice to the contesting respondents in any interlocutory application, a writ petition would not lie. The petitioner may approach the Election Tribunal, obtain appropriate orders and if he has any grievance, he may then file a writ petition. At this stage, the writ petition cannot be entertained.

The writ petition is accordingly dismissed in *limini.* No costs.

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(V.V.S.RAO,J)

18.10.2005.

pln